

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

UNITED STATES OF AMERICA

§

V.

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ERIC LEE PORTIER (05)

Criminal Number: 7:17-CR-005-O

REPORT OF ACTION AND RECOMMENDATION ON PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE

This Report of Action on Plea is submitted to the court under 28 U.S.C. § 636(b)(3). This case has been referred by the United States district judge to the undersigned for the taking of a guilty plea. The parties have consented to appear before a United States magistrate judge for these purposes.

The defendant appeared with counsel before the undersigned United States magistrate judge who addressed the defendant personally in open court and informed the defendant of, and determined that the defendant understood, the admonitions contained in Rule 11 of the Federal Rules of Criminal Procedure.

The defendant pleaded guilty to Count Two (2) of the indictment, charging the defendant with a violation of 21 U.S.C § 846, 841(a)(1) and (b)(1)(C) and Count Three (3) of the indictment, charging the defendant with a violation of 18 U.S.C. § 922(g)(1) and 924(a)(2). The undersigned magistrate judge finds the following:

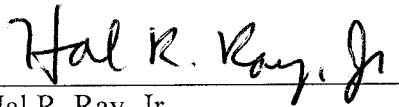
1. The defendant, upon advice of counsel, has consented orally and in writing to enter these guilty pleas before a magistrate judge subject to final approval and sentencing by the presiding district judge;
2. The defendant fully understands the nature of the charges and penalties;
3. The defendant understands all constitutional and statutory rights and wishes to waive these rights, including right to a trial by jury and the right to appear before a United States district judge;

4. The defendant's pleas are made freely and voluntarily;
5. The defendant is competent to enter these pleas of guilty;
6. There is a factual basis for the pleas; and
7. The ends of justice are served by acceptance of the defendant's pleas of guilty.

Although I have conducted these proceedings, accepted the defendant's pleas of guilty, and recommended that the United States district judge find him guilty, upon the defendant's consent and the referral from the United States district judge, that judge has the power to review my actions in this proceeding and possesses final decision-making authority. Thus, if the defendant has any objections to the findings or any other action of the undersigned he should make those known to the United States district judge within fourteen (14) days of today.

I recommend that defendant's pleas of guilty be accepted, that the defendant be adjudged guilty by the United States district judge, and that sentence be imposed accordingly.

Signed August 17, 2017.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE